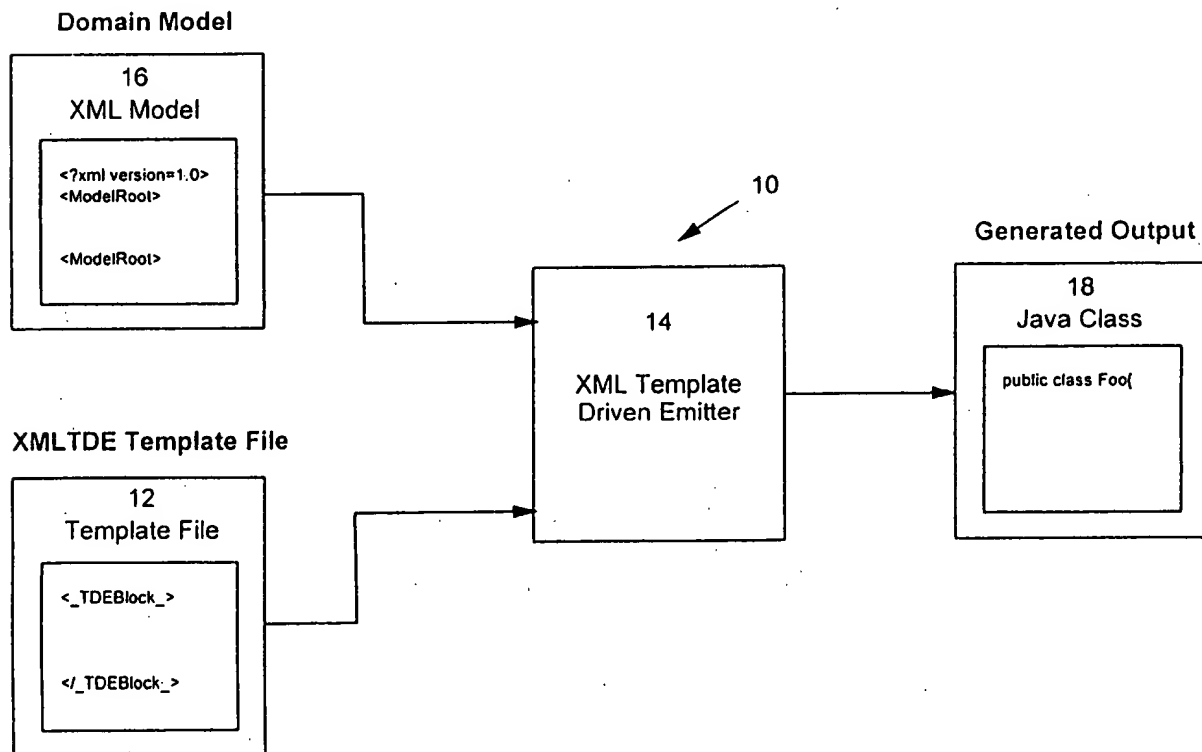For the reasons stated herein, Applicants request that the Examiner reconsider the rejection set forth in the final Office Action. If, after reviewing this paper, the Examiner remains unconvinced as to Applicants' position with respect to the applied art, Applicants' undersigned representative requests that the Examiner schedule a telephone interview with Applicants' representative and the Examiner's Supervisor to further discuss the rejection stated in the final Office Action and Applicants' claimed invention.

Applicants recite in the independent claims a mechanism for manipulating information from a source data model and creating a target data model. As one example, reference the following FIG. 1 from the application.

Figure 1

Domain Model

```
16
XML Model

<?xml version=1.0>
<ModelRoot>

<ModelRoot>
```

XMLTDE Template File

```
12
Template File

<_TDEBlock_>

</_TDEBlock_>
```

10

```
14

XML Template
Driven Emitter
```

Generated Output

```
18
Java Class

public class Foo{
```

The mechanism is indicated generally by reference 10 and comprises a template file or module 12 and a template driven emitter or template processing module 14. As will be described in more detail below, the template driven emitter 14 applies the template file 12 to a domain model 16 to produce a generated output file 18. In the context of the present invention, the domain model 16 comprises a source data model and the generated output file 18 comprises a target data model. The source data model 16 contains read-only data which is extracted by the mechanism 10 and used to generate a formatted output, i.e., the target data model 18. (See page 8, lines 10-21 of the specification.)

More particularly, Applicants claim a technique for manipulating information from a source data model and creating a target data model (e.g., claims 1, 13, 18 & 23). The technique includes: a template module including a directive to extract and manipulate selected data of a source data model, the source data model comprising read-only data; a template processing module to process the directive contained in the template module; and wherein the template processing module further includes a component to generate a Document Object Model tree for navigating the template module to manipulate the source data model <u>and</u> create a target data model. Thus, in Applicants' claimed invention:

(1)   Information from a source data model is manipulated <u>to create a
        target data model</u>.

(2)   A template module is provided which includes a directive to
        extract and manipulate selected data of the source data model,
        wherein the source data model is read-only data.

(3)   A template processing module is further provided to process the
        directive contained in the template module.

(4)   The template processing module includes a component to generate
        a Document Object Model tree **for navigating the template
        module to manipulate the source data model and create a
        target data model**.

Applicants respectfully submit that the above-summarized features of their independent claims are not taught or suggested by the applied art.

In the Office Action, all pending claims (i.e., claims 1-27) were rejected under 35 U.S.C. §103(a) as being unpatentable over Raman (U.S. Patent No. 5,748,186). This rejection is respectfully, but most strenuously, traversed and reconsideration thereof is requested.

Applicants request reconsideration and withdrawal of the obviousness rejection on the following grounds: (1) the Office Action fails to state a *prima facie* case of obviousness against Applicants' claimed invention; (2) the Office Action has misinterpreted the teachings of the Raman patent, thus voiding the basis for the rejection; (3) the justification for modifying the Raman patent is deficient; (4) the Raman patent itself lacks any teaching, suggestion or incentive for its modification; and (5) the stated rejection is a hindsight reconstruction of the claimed invention using Applicants' own disclosed subject matter.

Initially, Applicants note that the Office Action fails to indicate a teaching or suggestion in Raman which sets forth a mechanism for manipulating information from a source data model to create a target data model. Further, Applicants respectfully submit that no such mechanism is described by Raman. The Raman patent is directed to a computer system for facilitating interactive presentation of electronically encoded multi-media information. That is, Raman teaches techniques <u>for rendering</u> multi-media information. Raman describes a facility for a user to interactively and independently control the receiving of information and the presentation of information in a plurality of presentation modalities. Audio, visual and tactile renderings are described. Applicants respectfully submit that one of ordinary skill in the art would not read Raman as teaching a mechanism for manipulating information from a source data model to create a target data model. Again, the Office Action makes no mention of Applicants' recited concept of creating a target data model, and thus, fails to state a *prima facie* case of obviousness based on Raman. Clearly, based on Applicants' independent claims, the source data model and the target data model comprise distinct models within the claimed invention.

Still further, the Office Action fails to state a *prima facie* case with respect to Applicants' characterization that the "template processing module further includes a component to generate a Document Object Model tree **for navigating the template module to manipulate the source data model and create a target data model.**" In rejecting this subject matter, the Office Action summarizes certain subject matter at column 4, lines 45-67 & column 5, lines 10-45 of Raman, and then states:

> The Examiner believes Raman suggests the generation of a similar
> Document Object Model and the navigation of said similar
> Document Object Model to manipulate a source document to
> facilitate creation of a target data model in multiple modalities.

However, no support for this belief is set forth or explained in the Office Action. Again, Raman does not create a target data model as recited by Applicants. Further, there is no teaching or suggestion in Raman of a Document Object Model tree being created **for the navigation of a template module to manipulate the source data model and create a target data model**. For this additional reason, Applicants respectfully submit that the Office Action fails to state a *prima facie* case of obviousness against their pending claims. Thus, reconsideration and withdrawal of the final Office Action are again requested.

In addition, Applicants respectfully submit that the Office Action has misinterpreted the teachings of Raman as being applicable to the claims at issue. For example, Applicants recite in their independent claims a component **within the template processing module** to generate a Document Object Model tree **for navigating the template module to manipulate the source data model**. A careful reading of Raman fails to uncover any teaching or suggestion of such functionality.

One skilled in the art understands that a Document Object Model (DOM) is a specification for how data (e.g., document objects) or objects (such as: text, images, headers, links, etc.) are to be represented in a Web page (i.e., a document authored in a presentation language). The DOM defines attributes associated with each object in the Web page, and how the objects and the associated attributes may be manipulated. Dynamic HTML (Dynamic Hyper-Text Markup Language) is an authoring language used to create Web pages or documents on the World Wide Web, and relies on a DOM to dynamically change the appearance of Web pages after they have been downloaded to a user's browser. A DOM specifies or defines the logical structure of document and the way a document is accessed or manipulated. Documents authored under HTML or XML (Extensible Markup Language) may contain data, and a DOM may be used to manage or handle the data contained in the HTML or XML authored documents. The contents of the DOM may be logically structured like a tree.

Conventionally, the user (i.e., the person desiring access to document objects contained in a document) does not have any means available to change the visual display of the document objects because the user does not have access to the DOM.

Applicants respectfully submit that a careful reading of Raman fails to uncover any teaching or suggestion of a Document Object Model tree *per se*, let alone the generating of a Document Object Model tree <u>for navigating the template module to manipulate the source data model and create a target data model</u> as recited by Applicants in the independent claims. Since the DOM tree is a known term of art, and since Raman does not teach or discuss generating a DOM tree for any purpose, Applicants respectfully submit that there is no teaching or suggestion therein of generating a DOM tree for navigating the template module to manipulate the source data model and create a target data model as recited by Applicants in their independent claims. This deficiency undercuts the viability of Raman as a reference against Applicants' invention.

The final Office action explains at pages 3 & 7 why the Examiner believes that there is a "suggestion" of a DOM in the language of Raman. Thus, Applicants understand the rejection as implying that a DOM tree is inherent in the processing of Raman. Without acquiescing to this characterization of the teachings of Raman, Applicants respectfully submit that there is no teaching or suggestion in Raman of a component within a template processing module such as recited by Applicants for generating a DOM tree **for navigating the template module to manipulate the source data model and create a target data model**. No similar environment is set forth in Raman. Thus, there can be no teaching or suggestion therein of a component to generate a Document Object Model tree for the particular purpose recited by Applicants in their independent claims.

An "obviousness" determination requires an evaluation of whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art. In evaluating claimed subject matter as a whole, the Federal Circuit has expressly mandated that functional claim language be considered in evaluating a claim relative to the prior art. Applicants respectfully submit that the application of these standards to the independent claims presented leads to the conclusion that the recited subject matter would not have been obvious to one of ordinary skill in the art based on the applied patent.

Further, Applicants strenuously traverse a conclusion that the modifications necessary to Raman to achieve Applicants' invention would have been obvious to one of ordinary skill in the art. The only justification given in the Office Action for modifying the teachings of Raman are as follows:

> Because the claim limitations are to be given their broadest reasonable interpretation within the scope of the art, the methods provided by Raman that manipulate the DOM based on templates and rules provide the necessary suggestions of a similar process as the limitations of the claim. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the software methods which can operate during the rendering of a document to allow for similar treatment of the manipulation of elements within the document object to create a marked-up document.

Noticeably absent from this justification is any express teaching, suggestion or incentive identified in the art for making the proposed modifications. Just as in Winner International Royalty Corp. v. Wang, 48 U.S.P.Q. 2d 1139, 1144 (D.C. 1998), wherein the Court overturned a Board finding of obviousness, hindsight is always perfect and it is insufficient to prove at the time of the claimed invention, the separate elements of the invention were present in the known art. "Rather, there must have been some explicit teaching or suggestion in the art to motivate one of even ordinary skill in the art to combine such elements so as to create the same invention." Id. Winner's cited authority, Arkie Loures Inc. v. Gene Larew Tackle, Inc. 43 U.S.P.Q. 2d 1294, 1297 (Fed. Cir. 1997), similarly holds that:

> It is insufficient to establish obviousness that the separate elements of the invention existed in the prior art, absent some teaching or suggestion, in the prior to combine the elements.

The above-repeated justification does not identify a teaching, suggestion or incentive in the art to modify the reference as required by cases like Winner and Arkie. The only justification is simply a restatement of the alleged result of the modification, rather than a reason for the modification drawn from the prior art or from the knowledge available to one of ordinary skill in the art.

Still further, upon a review of the Raman patent, there is no teaching, suggestion or incentive for its modification as necessary to achieve Applicants' claimed invention. Raman teaches at column 2, lines 17-51:

... The method includes the steps of receiving the information, and converting the information to a <u>common intermediate representation</u> independent of any one of the presentation modalities. (Emphasis added.)

The common intermediate representation is stored in a memory of a computer system in the form of a hierarchical attribute tree. The tree has a plurality of document objects. Each document object represents the invention, the structure of the of the information, and procedures which can operate on some structural element of the information. ...

While presenting the information, the method receives control signals from a user using the plurality of user communication modalities. The control signals enable the user to interactively and independently control the receiving of the information and the presentation of the information in a plurality of presentation modalities. ...

In sharp contrast to Applicants' independent claims, the Raman patent actually teaches an opposite process. Raman teaches one of ordinary skill in the art to combine document objects (document data) along with structure about the document object, and procedures which can operate on some structural element of the document data into a single entity called <u>the common intermediate representation</u>. This Raman patent teaching thus motivates a person of ordinary skill in the art in an opposite direction from that recited by Applicants in the independent claims. Applicants' independent claims recite that the document data is separate from the DOM tree (i.e., a specification which shows how to structure the document data).

Also, Raman teaches a person skilled in the art away from the subject matter of Applicants' independent claims by permitting, while presenting the information, a user to send control signals using the plurality of communication modalities. Thus, the user presumably desires visual access to the document containing the document object. These control signals enable the user to interactively and independently control the receiving of the information and the presentation of the information in a plurality of presentation modalities. Applicants' independent claims are characterized by generating a DOM tree, which as known by one skilled in the art, is not accessible by a user.

Based on the forgoing, since Applicants' independent claims recite functionality which is clearly opposite to the teachings of Raman, it is respectfully submitted that one skilled in the art would not have been motivated by the teachings thereof to modify Raman in a manner necessary to achieve their recited invention.

Yet further, the justifications provided in the Office Action for the modifications to Raman offer no technical basis outside that contained in Applicants' own specification, they merely restate the result of the modifications in hindsight. Thus, the rejection also violates the well-known principle that Applicants' own disclosure cannot be used as a reference against them.

The consistent criterion for a determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the claimed invention should be carried out and would have a reasonable likelihood of success, viewed in light of the prior art. Both the suggestion and the expectation of success must be found in the prior art, not in the Applicants' disclosure. In re Dow Chemical Company, 5 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1998) (multiple citations omitted). The asserted modification simply restates the alleged results of the modifications, and is therefore using Applicants' disclosure, rather than an identified basis in the prior art, to modify the Raman patent, in violation of this well-known principle. This is yet another, independent reason why the current invention is not obvious over Raman.

In summary, Applicants traverse the rejection of the independent claims based on the failure to set forth a *prima facie* case of obviousness; the misinterpretation of the Raman patent; the conclusuory nature of the reason for the modifications necessary to achieve their claimed invention; the lack of an actual teaching, suggestion or incentive in the art for the modifications (and an actual teaching away from Applicants' claimed invention); and the use of Applicants' own disclosure and result as a basis for the modification.

There is no express discussion in Raman of a component for generating a DOM tree *per se*, nor is there any discussion of how to use a DOM tree **for navigating a template module to manipulate a source data model** and create a target data model as recited by Applicants in the independent claims presented. For all the above reasons, Applicants respectfully request withdrawal of the obviousness rejection to the pending independent claims based upon the teachings of Raman.
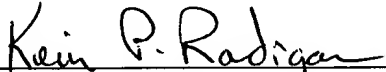
The dependent claims are believed allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their own additional characterizations.

All claims are believed to be in condition for allowance, and such action is respectfully requested.

Should the Examiner wish to discuss this case with Applicants' attorney, the Examiner is invited to telephone their below-listed representative.

Respectfully submitted,

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